



Hogan Lovells US LLP
390 Madison Avenue
New York, NY 10017
T +1 212 918 3000
F +1 212 918 3100
www.hoganlovells.com

Dennis H. Tracey, III
Partner
T +1 212 918 3524
dennis.tracey@hoganlovells.com

August 1, 2022

VIA ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007
(212) 805-6350
CaproniNYSDChambers@nysd.uscourts.gov

Re: *Syracuse Mountains Corp. v. Petróleos de Venezuela S.A.*, No. 1:21-cv-02684-VEC

Dear Judge Caproni:

We represent defendant Petróleos de Venezuela, S.A. (“PDVSA”) in the above-referenced action. As directed by this Court in its order dated February 11, 2022 [ECF No. 49], we submit this letter to provide the Court with an update regarding the status of discovery. PDVSA last updated this Court in its June 1, 2022 letter [ECF No. 82].

Letters of Request

Since its last discovery update, PDVSA has continued to work with local counsel to enforce the letters of request and letters rogatory issued by this Court.

Dinosaur Merchant Bank Ltd.

There are no updates on this letter of request. Dinosaur Merchant Bank Ltd. produced documents responsive to this letter of request on April 29, 2022. No further proceedings are expected in connection with this letter of request.

The Bank of New York Depository (Nominees) Limited

PDVSA and The Bank of New York Depository (Nominees) Limited have exchanged letters regarding this entity's response to this letter of request. No further proceedings are expected in connection with this letter of request.

Zuma Bank Corporation

On July 12, 2022, Zuma Bank Corporation produced documents responsive to the letter of request directed to that entity. No further proceedings are expected in connection with this letter of request.

Bank Internationale à Luxembourg; Bank of New York Mellon SA/NV, Luxembourg Branch; and Clearstream Banking S.A.

The three letters of request directed to entities in Luxembourg were each forwarded from the Central Authority of Luxembourg to the competent canton for their enforcement, with no further updates since PDVSA's last letter to this Court. Local counsel has confirmed with the Central Authority of Luxembourg that these letters of request are still pending final adjudication.

J. Safra Sarasin (Luxembourg) S.A.

In addition to the three letters of request directed to entities in Luxembourg, the letter of request this Court issued to Luxembourg and directed to J. Safra Sarasin (Luxembourg) S.A. was sent to the Luxembourg Central Authority on June 16, 2022. It was then forwarded to the competent jurisdiction for its enforcement on June 20, 2022. This letter of request is still pending final adjudication.

Novo Banco S.A.

The letter of request to Portugal for Novo Banco S.A. is still being litigated in the local courts, with Novo Banco S.A. and PDVSA exchanging petitions on Novo Banco S.A.'s invocation of Portuguese bank secrecy laws. PDVSA expects that this issue will be resolved by the local court in the coming months.

Euroclear Bank S.A./N.V.

Since PDVSA's last discovery update, the Belgian court has set a calendar for briefing on Euroclear Bank S.A./N.V.'s objections to the letter of request. The first submissions on these issues are due on August 8, 2022, and a ruling is expected by the end of the year.

China CITIC Bank

There have been no updates on this letter of request. Local counsel has confirmed that it is still pending and being processed by the Supreme People's Court of China, and that processing time may take six months to a year due to recent COVID-19 outbreaks and resulting lockdowns.

Gazprombank

As noted in PDVSA's previous update to the Court, local counsel submitted the original letter of request to the Russian Federation for Gazprombank (Joint Stock Company) to the Russian Central Authority for execution on May 30, 2022. Local counsel has informed PDVSA that the letter of request was registered by the Russian Ministry of Justice on May 31, 2022, and that it had sent the letter of request to the Russian Ministry of Foreign Affairs on June 2, 2022. Local counsel is following up with both Ministries to determine the status of this letter of request and likely outcomes.

Third-Party Discovery

As set out in PDVSA's previous updates to the Court, PDVSA has sought additional third-party discovery concerning Syracuse's ownership of the Notes at issue and PDVSA's champerty defense.

On July 11, 2022, PDVSA took the deposition of an individual connected with Syracuse's ultimate beneficial owners to obtain discovery on these issues.

On July 20, 2022, PDVSA took the deposition of Simoni Morato, a Safra National Bank of New York executive, whose involvement in this litigation was revealed through documents produced by Safra in response to PDVSA's subpoena.

PDVSA has not been able to take the deposition of a third individual mentioned in its last discovery update to the Court, one of Syracuse's ultimate beneficial owners, due to Syracuse's refusal to provide contact or legal representative information for this individual.

Respectfully submitted,

/s/ Dennis H. Tracey, III
Dennis H. Tracey III
Counsel for Defendant Petróleos de Venezuela S.A.